

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CITY OF HUNTINGTON,
Plaintiff,**

**v.
AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.**

CIVIL ACTION NO. 3:17-01362

**CABELL COUNTY COMMISSION,
Plaintiff,**

**v.
AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.**

Consolidated case:

CIVIL ACTION NO. 3:17-01665

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL
RESPONSES FROM CARDINAL HEALTH TO PLAINTIFFS'
FIRST AND SIXTH COMBINED DISCOVERY REQUESTS**

The undersigned, having received and reviewed the Plaintiffs' Motion to Compel Responses from Cardinal Health to Plaintiffs' First and Sixth Combined Discovery Requests, Cardinal Health's response to the motion, and Plaintiffs' reply in support thereof, finds that Plaintiffs' Motion is well-taken and should be **GRANTED** with respect to Plaintiffs' Sixth Combined Discovery Request Nos. 4 and 9.¹

The Special Master finds that the information related to suspicious orders placed by Cardinal Health's customers in Huntington and Cabell County, and whether those orders were shipped, should be produced and identified by Cardinal Health with specificity. Merely identifying documents containing the information is not a sufficiently complete response.

¹ Plaintiffs' Motion seeks complete responses from Cardinal Health to Plaintiffs' Sixth Combined Discovery Request No. 2, Sixth Combined Discovery Request No. 4, First Combined Discovery Request No. 3, and Sixth Combined Discovery Request No. 9. The Parties have agreed to hold in abeyance Plaintiffs' Motion with respect to Sixth Combined Discovery Request No. 2, pending Cardinal Health's deadline to object to Discovery Ruling No. 7.

With respect to Request No. 4, Cardinal Health shall supplement its response to describe with specificity all suspicious orders placed by its CT2 customers, rather than merely identifying the documents that may contain said information. A complete response will include the date of the order, the name and DEA registrant number for the customer, the product ordered (Cardinal Health's internal purchase number), the NDC code, and the amount ordered (both in volume of pills in each bottle ordered and the number of bottles ordered).

With respect to Request No. 9, Cardinal Health shall supplement its response to describe with specificity all suspicious orders placed by its CT2 customers that were shipped to those customers, rather than merely identifying the documents that may contain said information. A complete response will include the date of the order, the date the order was shipped, the name and DEA registrant number for the customer, the product ordered (Cardinal Health's internal purchase number), the NDC Code, and the amount ordered (both in volume of pills in each bottle ordered and the number of bottles ordered). Cardinal shall also supplement its response to fully describe the basis for why Cardinal Health determined each such order was suspicious.

Cardinal Health shall serve its supplemental response in accordance with the above within seven (7) days of the entry of this Order.

Special Master Christopher Wilkes

Entered: _____